

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

| | | |
|----------------------|---|--------------------|
| WILDEARTH GUARDIANS, |) | |
| |) | |
| Plaintiff, |) | Case No. 22-cv-797 |
| v. |) | |
| |) | |
| OXY USA, INC. and |) | |
| OXY USA WTP LP |) | |
| |) | |
| Defendant. |) | |
| |) | |

JOINT MOTION TO LODGE AND ENTER CONSENT DECREE

Plaintiff WildEarth Guardians and Defendants OXY USA Inc. and OXY USA WTP LP (“Defendants”) (jointly, “the Parties”) respectfully move to lodge the attached Consent Decree with the Court for later entry in accordance with the following paragraph of this joint motion. The Consent Decree represents a negotiated settlement of all claims presented by Plaintiff against Defendants in this case without any admission of liability by Defendants. The parties represent that the settlement terms are appropriate, reasonable, and in the public interest.

Under Section 304(c)(3) of the Clean Air Act, the United States has forty-five (45) days from receipt of the proposed consent judgment by the Attorney General and U.S. Environmental Protection Agency Administrator to review the proposed consent judgment and provide any comments to the Court. 42 U.S.C. § 7604(c)(3). Pursuant to Section 304(c)(3), Plaintiff will promptly serve the United States and promptly notify the Court once the United States confirms receipt of service. At the conclusion of that review period, the parties jointly request that the Court enter the Consent Decree.

Respectfully submitted this 25th day of October, 2022.

/s/ Daniel L. Timmons

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2022, I electronically submitted the Parties' Joint Motion to Lodge and Enter Consent Decree to the Clerk's Office using the CM/ECF System for filing and service on all registered counsel.

/s/ Daniel Timmons
Daniel Timmons